

FILED
CLERK'S OFFICEUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JUL 1 2004 P 12:05

BERNADINE T. GRIFFITH Plaintiff, v. ONEBEACON INSURANCE COMPANY, ONEBEACON AMERICA INSURANCE COMPANY, MICHAEL A. SISTO, and KAREN ALLEN HOLMES Defendants.	U.S. DISTRICT COURT DISTRICT OF MASS. C.A. No. 03-CV-12573-EFH
---	--

**DEFENDANTS' MOTION FOR STATUS CONFERENCE
TO RESOLVE PROCEDURAL ISSUES**

Now come the defendants in the above captioned Action, OneBeacon Insurance Company, OneBeacon America Insurance Company, Michael A. Sisto, and Karen Allen Holmes (collectively, the “defendants”), and move this Court for a status conference to resolve procedural issues with regard to the above captioned Action and a second, related action.

All parties to the above captioned Action (the “2003 Action”) attended the initial scheduling conference on May 12, 2004, where the Court ordered the plaintiff to amend her 2003 Complaint to include the claims alleged on the same set of facts in her second, identically-styled action, Civil Action Number 04-CV-10605¹ (the “2004 Action”) also before the Court.

¹ The docket number assigned to the plaintiff’s second action is the source of some confusion. The second Complaint is stamped Civil Action Number “04-CV-10606;” however it is docketed on the PACER system as “04-CV-01605.”

The Clerk's notes from the Scheduling Conference were docketed on May 12, 2004, and included the Court's instruction, "Plaintiff to amend complaint to include other case." See attached Exhibit A, entry date May 12, 2004.

Counsel for the plaintiff has indicated both verbally and in writing that should the defendants fail to file an Answer to the 2004 Complaint, she would file a Motion for Default, disregarding the Court's Order to amend the 2003 Complaint to include the allegations in the 2004 Action. See attached Exhibits B and C, Affidavit of Leah M. Moore and a copy of a letter from counsel for plaintiff to counsel for defendants dated June 29, 2004, respectively.

The defendants hereby request a Status Conference before the Court to resolve all procedural issues related to the Court's Order and the status of both the 2003 and 2004 Actions.

Respectfully submitted,

ONEBEACON INSURANCE CO.,
ONEBEACON AMERICA
INSURANCE CO.,
MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

By their attorneys



Keith B. Muntyan (BBO # 361380)
Leah M. Moore (BBO # 658217)
MORGAN, BROWN & JOY, LLP
One Boston Place
Boston, MA 02108
617-523-6666 (phone)
617-367-3629 (fax)

Dated: July 1, 2004

CERTIFICATE OF SERVICE

I, Leah M. Moore, hereby certify that on this 1st day of July 2004, I caused a true and correct copy of the foregoing to be served via first class mail upon Kathleen J. Hill, Esq., Attorney for Plaintiff, Law Office of Kathleen J. Hill, 92 State Street, Suite 700, Boston, Massachusetts 02109, being the address designated by said attorney for service of all pleadings.



Leah M. Moore